

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

RILEY LAFATE ADAMS

PLAINTIFF

VS.

CIVIL ACTION NO. 4:08cv90-HTW-LRA

SHERIFF TODD KEMP, ET AL

DEFENDANTS

**ORDER**

This cause is before the Court on the Joint Motion for Voluntary Dismissal [Docket No. 34] filed by the defendants Sheriff Todd Kemp, Gary Kelly, J.G. Kufell and Jackie Albritton on June 25, 2009. On July 6, 2009, the plaintiff Riley Lafate Adams presented a letter to this court requesting to dismiss this lawsuit. This court shall regard the letter as a *pro se* stipulation of dismissal under Rule 41(a)(1)<sup>1</sup> of the Federal Rules of Civil Procedure which is agreed to by the defendants. This case is hereby fully and finally dismissed.

**SO ORDERED** this the 29<sup>th</sup> day of July, 2009.

**s/ HENRY T. WINGATE  
CHIEF UNITED STATES DISTRICT JUDGE**

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<sup>1</sup>Rule 41(a)(1) provides: **(1) By Plaintiff; by Stipulation.** Subject to the provisions of Rule 23(e), of Rule 66, and of any statute of the United States, an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.